

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

SEP 19 2005

Michael N. Milby, Clerk of Court

FG HEMISPHERE ASSOCIATES,
L.L.C.,

Plaintiff,

v.

RÉPUBLIQUE DU CONGO,

Defendant,

And

CMS OIL AND GAS COMPANY,
CMS OIL AND GAS
(INTERNATIONAL) COMPANY,
CMS NOMEKO INTERNATIONAL
CONGO HOLDINGS, INC.,
CMS NOMEKO CONGO, INC.,
CMS OIL AND GAS (HOLDINGS) LTD.,
CMS OIL AND GAS
(INTERNATIONAL) LTD.,
CMS NOMEKO CONGO LDC,
CMS OIL AND GAS (CONGO) LTD.,
CMS OIL AND GAS (SERVICES)
COMPANY,
NUEVO ENERGY COMPANY,
THE NUEVO CONGO COMPANY,
THE CONGO HOLDING COMPANY,
NUEVO CONGO, LTD.,
NUEVO INTERNATIONAL INC.,
NUEVO INTERNATIONAL
HOLDINGS, LTD.,
PERENCO INC.,
PERENCO OIL AND GAS
(INTERNATIONAL) COMPANY,
PERENCO INTERNATIONAL
(CONGO) INS.,
PERENCO OIL AND GAS (SERVICES)
COMPANY,

And

LANKAN INC.,

Garnishees.

Civil Action No. H – 02 – 4261

MEMORANDUM AND ORDER

On August 12, 2005, this Court granted Plaintiff FG Hemisphere Associates, L.L.C.'s ("FG Hemisphere") request for a temporary injunction prohibiting Garnishees CMS Nomeco Congo, Inc.; The Nuevo Congo Company; and Nuevo Congo Ltd. (collectively, "Garnishees") from completing a proposed sale of working interests. The Court found that the proposed sale appeared by more than a preponderance of the evidence to be a fraudulent transfer. FG Hemisphere was required to pay a \$10,000 bond to secure the injunction.

On August 25, 2005, the Court entered an order extending the injunction for thirty days. FG Hemisphere now requests that the injunction be extended until a full hearing on the merits can be held. Because the proposed sale appears to be fraudulent would likely render FG Hemisphere unable to collect monies owed to it by Defendant République du Congo and by Garnishees, FG Hemisphere's motion, Docket No. 280, is hereby **GRANTED** and the injunction extended until such time as a hearing on the merits may be held.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 19th day of September, 2005.



KENT P. ELLISON
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT.